

REMARKS

Claims 2-6 have been amended to reflect language more customary in U.S. patent practice. Claims 1-7 and 10-13 are pending in the present application and are subject to a restriction requirement as follows:

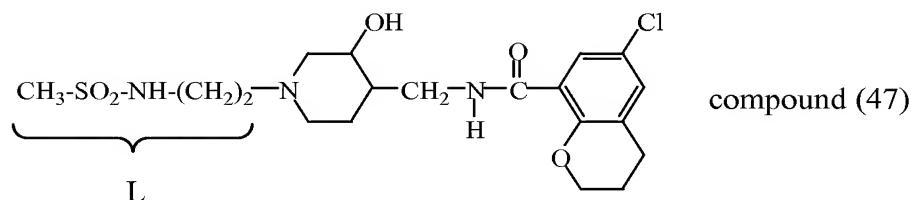
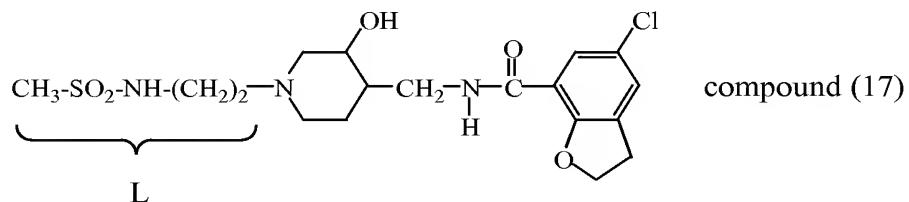
Group I – claims 1-7 and 10, directed to compounds, compositions, and methods of making compounds of formula I.

Group II – claims 11-13, directed to methods of treatment of 5HT₄-related disorders.

The Applicants hereby elect Group I, claims 1-7 and 10, with traverse, to the extent the Office intends to issue a further restriction based on the requested species election, based on structures (a-1)-(a-8). Structures (a-1)-(a-8) all represent cyclic ethers, varying only in the number of methylenes (1, 2, 3, 4, or 5) and the number of oxygens (1 or 2). These compounds should have similar search classifications; therefore, no search burden exists and the entirety of the elected claims should be searched without further restriction.

Moreover, the Applicants disagree with the Office's allegation that the claims lack novelty over WO 00/37461. For example, in connection with the Applicants' filing of the Demand for International Preliminary Examination for PCT/EP2004/006280, the following remarks were submitted regarding WO 00/37461.

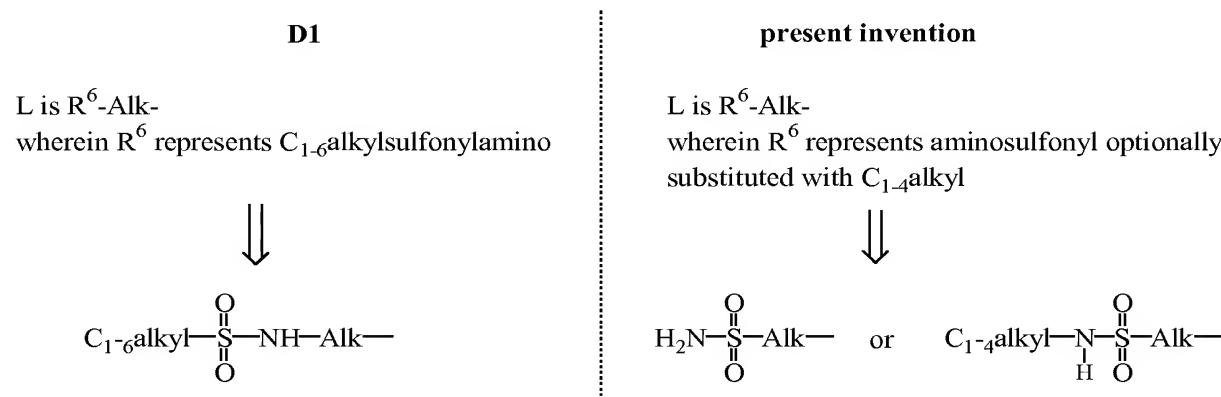
Compounds (17) and (47) of WO 00/37461 have the following structure :



In compounds (17) and (47) the radical L is defined, in the wording of WO 00/37461, as “R₆-Alk-“ wherein R₆ represents “C₁₋₆alkylsulfonylamino”.

In the present invention, radical L is – amongst other definitions – defined as “R₆-Alk-“ wherein R₆ represents “aminosulfonyl optionally substituted with C₁₋₄alkyl”.

As structurally demonstrated below, a “sulfonylamino” group of WO 00/37461 (indicated as D1) is different than an “aminosulfonyl” group of the present invention



The definition of L as “R₆-Alk-“ wherein R₆ represents “aminosulfonyl optionally substituted with C₁₋₄alkyl” is supported in the present invention, for instance, by compounds (1) to (7) and compounds (11), (13), (14), (24), (33) and (34).

Accordingly, the compounds (17) and (47) of WO 00/37461 are not encompassed by the Markush definition of the compounds of the present invention and therefore the subject-matter of claim 1 of the present invention is novel over WO 00/37461.

To the extent the Office requires an election of species, the Applicants elect compound 1, depicted on page 38 of Table F-1. Claims 1-4, 7, and 10 are believed to encompass the elected species. It is Applicants' understanding that this species election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of Applicants' claims. It is also Applicants' understanding that if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species, until it includes the full scope of the generic claims included in the elected group.

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PATENT

An early and favorable Action on the merits is respectfully requested.

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